

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 06-1615 (DSD/JJG)

Traci R. King, as trustee for
the heirs and next of kin of
Michael L. King,

Plaintiff,

v.

ORDER

Liberty Homes, Inc., Doug
Williams d/b/a W & W
Trucking, Inc., Ira Neal
Greshens, and Amerimont,
Inc., d/b/a Heartland Homes,

Defendants,

v.

East Central Energy,

Third-Party Defendant.

This matter is before the court on third-party defendant East Central Energy's motion for summary judgment.

The facts giving rise to this order are detailed in King v Liberty Homes, Inc., No. 06-1615, 2007 U.S. Dist. LEXIS 55865, at *1-3 (D. Minn. July 31, 2007). Third-party plaintiff Liberty Homes filed a third-party claim against third-party defendant East Central Energy. Liberty Homes was later dismissed from the underlying action. See id. at *8. Therefore, Liberty Homes' claim against East Central Energy is moot.

Accordingly, **IT IS HEREBY ORDERED** that Liberty Homes' third-party action against East Central Energy is dismissed without prejudice.

Dated: August 28, 2007

s/David S. Doty

David S. Doty, Judge
United States District Court